

United States District Court

for the
Western District of New York

UNITED STATES OF AMERICA

v.

Case No. 20-MJ-4223

STEPHEN REED PATTISON

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

Between on or about October 24, 2020, and on or about November 12, 2020, in the Western District of New York, STEPHEN REED PATTISON, knowing that he had previously been convicted on or about December 16, 2016, in the Thirteenth Judicial Circuit, Boone County, Missouri, of a crime punishable by imprisonment for a term exceeding one year, unlawfully did knowingly possess, in and affecting commerce, firearms, namely, one (1) Thompson/Center (T/C) Compass, Center Fire Bolt Action 30-06 SPRG rifle, bearing serial number U231831, and one (1) Winchester Ranger, Model 120, 12 gauge shotgun, bearing serial number L1929872, in violation of Title 18, United States Code, Sections 922(g)(1), 924(a)(2), and 2.

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.



Complainant's signature

ADAM T. PARADOWSKI

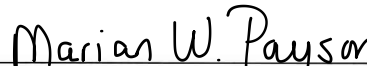
FBI Special Agent

Printed name and title

Affidavit and Criminal Complaint submitted electronically by email in .pdf format. Oath administered, and contents and signature, attested to me as true and accurate telephonically pursuant to Fed.R.Crim. P. 4.1 and 4(d) on:

Date: November 25, 2020

City and State: Rochester, New York



Judge's signature

HONORABLE MARIAN W. PAYSON

UNITED STATES MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

State of New York)
County of Monroe)
City of Rochester)

SS:

Case No. 20-MJ- 4223

I, ADAM T. PARADOWSKI, being duly sworn, depose and state the following:

INTRODUCTION

1. I am a Special Agent with the Federal Bureau of Investigation (FBI), and have served in this capacity for approximately two years and two months. I am currently assigned to the Joint Terrorism Task Force (JTTF), Buffalo Division, in Rochester, New York. At the JTTF, I work with a team of federal, state, and local law enforcement agents and officers on investigations relating to domestic and international terrorism. During my tenure with the FBI, I have also attended intensive training on counterterrorism and other types of investigations, including counterintelligence, white collar crime, public corruption, organized crime, and narcotics. Prior to my employment with the FBI, I worked for approximately five years as a Border Patrol Agent with the United States Customs and Border Protection. I am familiar with digital evidence commonly possessed and used by those involved in criminal activities. I have also conferred with other FBI Special Agents who have expertise and experience in counterterrorism investigations and digital evidence.

2. This affidavit is submitted in support of a criminal complaint charging STEPHEN REED PATTISON with a violation of 18 U.S.C. § 922(g)(1) (felon in possession of firearms). The assertions made herein are based on my personal knowledge and information I have gathered during this investigation, including information from law enforcement officers and agents assigned to the Rochester JTTF, recorded telephone calls from the Monroe County Jail, information from public databases, results from a search

warrant executed on PATTISON's cell phone, results from a search warrant executed at PATTISON's residence, information from NCIC, and records from the Thirteenth Judicial Circuit in Boone County, Missouri, all of which are true and correct to the best of my knowledge and belief. Further, I have had discussions with law enforcement officers and agents involved in this investigation who have confirmed the accuracy of the information contained within this affidavit. Because this affidavit is being submitted for a limited purpose, I have not included each and every fact that I know concerning this investigation. Rather, I have set forth only the facts that relate to the issue of whether probable cause exists to believe that PATTISON committed the above-described offense.

FACTS ESTABLISHING PROBABLE CAUSE

PATTISON'S BACKGROUND AND CRIMINAL HISTORY

3. STEPHEN REED PATTISON is a 31-year old white male, who resided at 552 Church Road in Hilton, New York, until his arrest on October 30, 2020. A review of PATTISON's criminal history reveals that he has one prior felony conviction and two prior misdemeanor convictions. On December 16, 2016, PATTISON was convicted of Domestic Assault 2° (MO. ANN. STAT. § 565.073), a class D felony offense, and sentenced to three years in prison in the Thirteenth Judicial Circuit in Boone County, Missouri. A parole absconder/violation warrant was issued for PATTISON on or about November 19, 2019. On January 28, 2019, PATTISON was convicted of Menacing 2° (Weapon), a class A misdemeanor, and sentenced to six days in jail in Tonawanda Town Court, Tonawanda, New York. On April 14, 2009, PATTISON was convicted of Hate Crime/Menacing 3° and Criminal Mischief (Intent to Damage Property), both class A misdemeanors, and sentenced to three years' probation in Macedon Town Court, Macedon, New York.

4. PATTISON has expressed his support of white supremacist groups and is believed to be associated with a local “Blood and Honour” group in the Rochester, New York area. According to open source information, “Blood and Honour” is a white supremacist group that is affiliated with a neo-Nazi organization known as “Combat 18.”

5. Over the last six months, PATTISON has aggressively and sometimes violently expressed his disagreement with local protests relating to the deaths of George Floyd¹ and Daniel Prude.² In a Facebook post on May 30, 2020, PATTISON stated, “Rochester NY is at WAR keep ur BLM shit in the city if u come around my family ill fucking kill u.”³ At the time of this post, individuals and social justice groups, including a local Black Lives Matter (BLM) group, were engaged in protests and civil unrest in Rochester. When demonstrators affiliated with the local BLM group engaged in a protest in downtown Rochester on July 19, 2020 (which included an effort to shut down Interstate 490), PATTISON was part of a group of counter-protesters who confronted some BLM protesters. During the incident, one of the counter-protesters – who is known as a self-proclaimed white supremacist and president of a local white supremacist group – attempted to assault a BLM protester but failed to make physical contact. PATTISON was also part of a group of counter-protesters at a BLM protest in Caledonia, New York, on September 20, 2020. At that time, the group of approximately

¹ On May 25, 2020, George Floyd died during an encounter with Minneapolis Police Department officers in Minneapolis, Minnesota.

² On September 2, 2020, it was publicly revealed that Daniel Prude died on March 30, 2020, one week after an encounter with Rochester Police Department officers. In the wake of that public disclosure, large groups of people engaged in several of protests in the Rochester.

³ This post was made to a Facebook account with the Username “Stevie Pattison” and UserID 10004694495773, which is known to be used by PATTISON.

five counter-protesters – which included PATTISON – charged a protester and yelled “I’ll end you,” or words to that effect.

6. On September 24, 2020, PATTISON posted a comment to his Facebook account which read, “Let me just say this if u change ur profile or pic on it because it scared Antifa will Dox u or call ur job a BITCH and have no buisness fighting this fight if ur worried about ur job dont put it up there and keep a diff pic. But ur name and ur manhood safe wtf grow a pair if u cant go join Antifa u pussy I’ve had people message me and as for all u black fucks talkin shit I’m in the city of Rochester we can meet up anywhere u want cause ur a bitch too and I dont want it with me and mine . . .” After a Facebook user responded to the post, PATTISON replied, “. . . WE THE PEOPLE should be able to slaughter anybody trying to bring communism to this country.”

PATTISON’S ARREST ON OCTOBER 30, 2020

7. On October 30, 2020, PATTISON was arrested during a traffic stop by the United States Marshals Task Force. The basis for the arrest was a parole absconder warrant from his 2016 conviction in Missouri for Domestic Assault 2°. At the time of the arrest, PATTISON’s cell phone fell to the ground and PATTISON confirmed that the cell phone belonged to him. The cell phone was in a black case bearing the numbers “14” and “88”,⁴ the Nazi “SS” symbol, and a white power crosshair symbol. Inside the case was a hand drawn American flag with the words, “United we stad as we watch U fall.”

⁴ The numbers “14” and “88” are commonly associated with white supremacist ideology. Specifically, the number “14” is shorthand for the “14 words” slogan, “We must secure the existence of our people and a future for white children.” The number “88” is a reference to “HH” (H being the eighth letter of the alphabet), which stands for “Heil Hitler.” Use of these numbers signifies an endorsement of white supremacist ideology.

SEARCH WARRANT AT PATTISON'S RESIDENCE

8. On November 9, 2020, the Honorable Sam L. Valleriani, Monroe County Court Judge, issued a search warrant for PATTISON's residence at 552 Church Road, Hilton, New York. The search warrant authorized law enforcement officers to search for and seize firearms and other evidence of violations of state firearms laws, as well as evidence showing custody or control over the premises.

9. On November 12, 2020, deputies from the Monroe County Sheriff's Office (MCSO), assisted by members of other local and federal law enforcement agencies, executed the search warrant at 552 Church Road. At the time of the search, PATTISON's girlfriend (R.P.) and her father (J.L.) were present inside the residence, along with PATTISON's 10-year old son. After arriving at the residence, FBI special agents interviewed R.P., who stated, in sum and substance, that there were no firearms inside the residence to her knowledge, that there was a BB gun with duct tape on it in the closet of her bedroom, and that R.P. and PATTISON have been living at 552 Church Road.

10. During the search of an upstairs bedroom (Bedroom 1), the investigative team observed and/or recovered the following evidence, among other things:

a. two firearms – one (1) black Thompson/Center (T/C) Compass, Center Fire Bolt Action 30-06 SPRG rifle, bearing serial number U231831, which was equipped with a black optical scope with a distinctive green decal on both sides near the front portion of the scope; and one (1) Winchester Ranger, Model 120, 12 gauge shotgun, bearing serial number L1929872, with a wood-colored stock and fore-end – behind the top of a mirror that was attached to a dresser;

b. one (1) box of Winchester 12 gauge shotgun ammunition (containing 25 rounds), a Missouri Department of Corrections Offender card bearing PATTISON's name and photograph, a Department of Corrections Adult Institution Fact Sheet bearing PATTISON's name, and three Missouri Department of Corrections Board of Probation and Parole Field Violation Reports bearing PATTISON's name, in the bottom drawer of another dresser/television console;

c. a black t-shirt with the words "SUPPORT ROCHESTER" in red lettering around two red lightning bolts – which, based on information provided by FBI Special Agent Michael Preisser, who has extensive knowledge of the Hell's Angel's Motorcycle Club (Rochester Charter) through prior FBI investigations, I know to be a Hell's Angel's Motorcycle Club support t-shirt – was draped over the dresser/television console where the shotgun ammunition was recovered;

d. a pellet/BB rifle and baseball bat in the closet;

e. a black tactical vest with an expandable baton and fixed blade knife attached to the vest;

f. a sword in a sheath;

g. various photographs of PATTISON, R.P. and PATTISON's son; and

h. various items of white supremacist and Nazi paraphernalia, as well as depictions of white supremacist and Nazi imagery and symbols.

11. In another bedroom (Bedroom 2), the investigative team recovered, among other things, a .410 gauge shotgun, a 12 gauge shotgun, a .22 caliber rifle, a Ruger .44 magnum caliber pistol, two .22 caliber pistols, a shotgun magazine, and four bags of marijuana. Based on evidence seized during the search, the investigative team determined

that Bedroom 2 was used by J.L. J.L. told members of the investigative team that the three handguns found in Bedroom 2 belonged to a friend who was in the process of moving and had asked J.L. to hold the weapons until the move was finished. J.L. further stated that the handguns were stored in a locked container to which PATTISON did not have access.

PATTISON'S RECORDED JAIL TELEPHONE CALLS

12. Since his arrest on October 30, 2020, PATTISON has been held in custody at the Monroe County Jail. I am aware that the Monroe County Jail records inmate telephone calls in the ordinary course of business. Members of the investigative team have reviewed numerous recorded telephones calls that occurred between PATTISON and R.P. during the time period from October 30, 2020, through November 13, 2020.

13. During a recorded telephone call on October 30th, R.P. said, "You remember when we made the stop here before we went to Jim's with the guitar case? . . . To the house. Before we went to Jim's." PATTISON responded, "To the house? Oh, yeah." R.P. then asked, "What—should I just leave them?" PATTISON then stated, "Yeah, do not give any of that shit away or back or any of that. You keep that . . . just put it in the closet where the baseball bat is . . . If Crystal wants hers back, that's fine, but I want you to have the other one . . . I want you to have those there because if I'm stuck here, I would feel better if they were there. Because even Jim says his aren't that up to par." PATTISON continued, "And where the Hell's Angels—uh—the fucking—what do you call it—shirt is over in that bottom drawer is where the things are for it."

14. Based on the context of this conversation, I believe that PATTISON and R.P., using cryptic and coded language, were discussing the firearms and ammunition recovered

from their bedroom at 522 Church Road. Specifically, I believe that PATTISON was referring to the shotgun ammunition found in the dresser drawer near the Hell's Angels Motorcycle Club support t-shirt when he stated, "the things for it" are "[w]here the Hell's Angels . . . shirt is over in that bottom drawer." I further believe that he was referring to the Winchester 12 gauge shotgun to which the ammunition belonged. In addition, I believe that PATTISON was telling R.P. to keep both firearms but told her that she could return one to a person known as Crystal.⁵

15. During another recorded telephone call on October 30th, PATTISON asked R.P. for more details of the felony car stop resulting in his arrest. R.P. discussed the search of the car, saying "they went through everything." PATTISON said, "That's why I was trying to talk to you about those things that you were just talking to me about [referring to the prior telephone conversation on October 30th, which is summarized in ¶ 13, above] because I wanted you to, you know, if they were gonna go back to the house . . . have them go in Jim's room and then Jim can say—you know what I mean?" R.P. responded, "Right." PATTISON continued, "That's what I was worried about because I remember the last time they did that to me with the warrant squad like that, they searched Tommy's house across the street, remember?" R.P. responded, "Yeah . . . Well, I mean, Tom was a felon too, though."

16. Based on the context of this conversation, I believe that PATTISON was concerned that members of law enforcement were going to search his residence and discover

⁵ It should be noted that, during an interview with the FBI at the time of the search warrant at 552 Church Road, R.P. stated that the "guitar case" referenced in the above conversation was code for an ax, baseball bat and ornamental sword (all of which she believed would qualify as weapons by law enforcement). She denied that "guitar case" was a reference to firearms. The investigative team did not find a guitar case during the search warrant.

the firearms. I further believe that he was telling R.P. how she could help him avoid being implicated in possessing the firearms. Specifically, PATTISON told R.P. that, if law enforcement went to search their residence, R.P. should put the firearms in J.L.'s (whose first name is Jim) bedroom so that J.L. can claim ownership of the firearms.

17. During a recorded telephone call on November 4th, PATTISON asked R.P., "you still got my things – my toys, right?" R.P. responded, "Yes." PATTISON then stated, "All right. Don't let anybody take--I mean, if Crystal wants to come get hers, cool, but if--just tell Bam that you need that one." R.P. said that an unnamed male (UM) was "looking for more . . . toys." PATTISON advised R.P. to tell UM to get the "manufactured ones—the build-your-own ones." Based on the context of this cryptic and coded conversation, I believe that PATTISON was asking if R.P. still had his firearms, that R.P. stated that UM was looking to get more firearms, and that PATTISON told R.P. to tell UM to manufacture his own firearms.

18. During a recorded telephone call on November 9th, PATTISON stated, "When I come back I want to shoot that shotgun . . . I've got to let so much frustration out. I just, like – find something – and object – I can blow to pieces." Based on the context of this conversation, I believe that PATTISON was referring to the Winchester 12 gauge shotgun that was recovered by the investigative team in his bedroom at 552 Church Road.

SEARCH WARRANT FOR PATTISON'S CELL PHONE

19. On November 12, 2020, the Honorable Marian W. Payson, United States Magistrate Judge, Western District of New York, issued a search warrant for PATTISON's cell phone. A preliminary review of the content stored on PATTISON's cell phone revealed

hundreds of chats in which PATTISON expressed support for white supremacist ideology, racial animus and/or disdain for social and political groups, such as ANTIFA and BLM. In addition, a preliminary review of PATTISON's cell phone revealed numerous photographs and images of Nazi and white supremacist propaganda, including references to "14" and "88", "Blood and Honour," and "Combat 18." In several chats, PATTISON also discussed firearms and his desire to purchase a shotgun. For example, in one chat, PATTISON stated that he has two shotguns – one "10" (which I believe to mean a 10 gauge shotgun) and one "410" (which I believe to mean a .410 gauge shotgun) – and was looking for a 12 gauge shotgun.

20. PATTISON's cell phone also contained the photographs of the firearms seized from his bedroom during the search warrant and PATTISON holding firearms. For example, in the below photograph, dated October 25, 2020, PATTISON is depicted squatting down and posing in front of a "Blood and Honour" flag while holding a shotgun.



21. Based on the physical characteristics of the shotgun in the photograph in ¶ 20, above, I believe it is the Winchester 12 gauge shotgun recovered from PATTISON's bedroom. Specifically, the shotgun in the above photograph is a black pump-action shotgun with a wood-colored stock and fore-end, which is consistent with the Winchester 12 gauge shotgun seized during the search warrant. Two photographs of the Winchester 12 gauge shotgun (and the above-described Thompson/Center 30-06 rifle) are set forth below.



22. In addition, PATTISON's cell phone contained the below photograph, dated October 27, 2020, which depicts a shotgun and a box of Winchester ammunition.



23. Based on the physical characteristics of the shotgun and box of ammunition in the photograph in ¶ 22, above, I believe they are the Winchester 12 gauge shotgun and box of ammunition that were recovered from PATTISON's bedroom. A photograph of the box of ammunition is set forth below.



24. In addition, PATTISON's cell phone contained the below photograph, dated October 24, 2020, which depicts a black bolt-action rifle equipped with an optical scope with a distinctive green decal on the side near the front portion of the scope.



25. Based on the physical characteristics of the rifle in ¶ 24, above, I believe it is the Thompson/Center 30-06 rifle that was recovered from PATTISON's bedroom (which is depicted in the two photographs set forth in ¶ 21, above). Specifically, the rifle in the above photograph is a black bolt action rifle equipped with a black optical scope with a distinctive green decal on the side of the front portion of the scope, which is consistent with the black Thompson Center 30-06 rifle seized during the search warrant.

PATTISON'S RECORDED JAIL TELEPHONE CALLS AFTER THE EXECUTION
OF SEARCH WARRANT AT 552 CHURCH ROAD

26. On November 12 and 13, 2020, PATTISON made several recorded telephone calls from the Monroe County Jail to R.P.

27. During a recorded telephone call on November 12th, R.P. told PATTISON that law enforcement had executed the search warrant at 552 Church Road. R.P. stated that "they took all [J.L.'s] stuff," and J.L. can be heard in the background stating that they took all of his "weed" (meaning marijuana) and his guns. PATTISON asked R.P., "did they—did they get the other things? The things Crystal had?" R.P. responded, "Yes." PATTISON then replied, "I'm fucked." Based on the context of this conversation, I believe that PATTISON was asking if law enforcement had found his firearms and, when R.P. responded that they had done so, PATTISON indicated he was in legal jeopardy because he is prohibited from possessing firearms as a convicted felon.

28. Later in the same conversation, PATTISON spoke with R.P. about a cover story for the firearms. Specifically, PATTISON said, "well, you gotta tell them the guns aren't mine, babe . . . 'Cause they're not." R.P. responded, "I know." PATTISON continued, "Listen, we were holding them for Crystal, okay?" R.P. again responded, "I know." PATTISON then stated, "We gotta testify and say that . . . we gotta testify and say that we were holding them for Crystal. That's what we're saying, okay?" R.P. said, "I know." After some more conversation, PATTISON said, "Kay baby, you were holding those for Crystal, right?" R.P. responded, "Yes." PATTISON then replied, "Fuck."

29. During another recorded telephone call on November 12th, PATTISON further instructed R.P. to say that the firearms do not belong to him. Specifically, PATTISON said, "Just maintain I--you just gotta maintain that those weren't mine, baby. I didn't--they're not, but I'm just saying. They're [meaning law enforcement] gonna try to get you to say they were." R.P. responded, "they can't get me to say anything that isn't fucking true." PATTISON continued, "Yeah, but they're gonna threaten to put you away, take [PATTISON's son], all that shit, babe . . . Just be ready for it. Just--that's all I'm saying. Don't fall for their fucking games or gimmicks, that's what they do." PATTISON later said, "I don't have any fucking guns because I can't have any guns, but it doesn't look good that you have them. I--I knew this was gonna be a problem. I knew it. I knew it. I knew it." Based on the context of this conversation, I believe that PATTISON was acknowledging that he was prohibited from possessing firearms by virtue of his prior felony conviction when he said "I can't have any guns," and was admitting that he possessed the guns when he said "I knew this was gonna be a problem."

30. During a recorded telephone call on November 13th, PATTISON continued to deny possessing the firearms. PATTISON told R.P., "Like I said, we'll see what comes of it, but at the same time is--at the end of the day, uh, pictures, text messages, whatever you got, I wasn't there," which I believe meant that – despite what the photographs and text messages relating to firearms on his cell phone show – he was not physically present at 552 Church Road when the firearms were seized by law enforcement.

INTERSTATE NEXUS OF FIREARMS

31. On or about November 21, 2020, I contacted Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) Special Agent Ryan Szwejbka, a qualified expert in determining the interstate nexus of firearms, and described the Winchester 12 gauge shot gun and Thompson/Center (T/C) 30-06 rifle seized from PATTISON's bedroom at 552 Church Road. Special Agent Szwejbka opined that both firearms were manufactured outside New York and, therefore, would have had to travel in interstate or foreign commerce prior to PATTISON possessing them.

CONCLUSION

32. WHEREFORE, based on the above information, I submit there is probable cause to believe that, between on or about October 24, 2020, and on or about November 12, 2020, in the Western District of New York, STEPHEN REED PATTISON committed a violation of 18 U.S.C. §§ 922(g)(1) and 2 (felon in possession of firearms).



ADAM T. PARADOWSKI
FBI Special Agent

Affidavit and Criminal Complaint submitted electronically by email in .pdf format. Oath administered, and contents and signature, attested to me as true and accurate telephonically pursuant to Fed.R.Crim. P.4.1 and 4(d) on: November 25, 2020



HONORABLE MARIAN W. PAYSON
United States Magistrate Judge
Western District of New York